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The Appeal Brief filled by Appellant's on March 12, 2010 is acknowledged by the examiner. The Examiner answer submitted on Oct. 16, 2009, sections 6, 9, 10, are amended as follow:

(6) Grounds of Rejection to be Reviewed on Appeal

WITHDRAWN REJECTIONS
The following grounds of rejection are not presented for review on appeal because they have been withdrawn by the examiner since the TD submitted on 12/16/09 is approved on 1/15/10.
Double Patenting Rejection of Claims 1, 2, 4-14 and 16-25.

(9) Grounds of Rejection
The following ground(s) of rejection are applicable to the appealed claims:

1.   Claims 1, 8, 13, 20 and 25 are rejected under 35 U.S.C. 103(a) as being unpatentable over Nelson et al (US Patent No. 7,062,655) in view of Ogura et al (US Pub. No. 2004/0078603) in view of Fallman (US Pub. No. 2004/0107406) and in view of Eitel (US Patent No. 7,043,521).

As per claim 1, Nelson teaches:
receiving an input from a user as a proposed password; performing an Internet/database search using keywords derived from proposed password (entered by the user); evaluating results of said search; rejecting said proposed password if the verification fails; recording said proposed password as a new password if said proposed password is not rejected [Fig. 3, col. 4 lines 53-61, col. 6 lines 16-20, Fig. 1].
Nelson teaches the proposed password verification mechanism as shown in Fig. 1. Nelson doesn't expressively mention selection of at least one topic as an input from user.
Ogura teaches:
presenting said user with a plurality of topics; receiving a user selection of at least one topic [Fig. 5, step 520-525]; receiving one or more personal details from said user associated with said at least one selected topic, as a proposed password (input from user) [Fig. 5, steps 550-555, Fig. 9 step 930].
Therefore, it would have been obvious to a person of ordinary skill in the art at the time the invention was made to combine Ogura with Nelson to present various topics and receiving an input from the user based on selection of the topics, since one would have been motivated to allows the authentication of the identity of the user through the use of a primary and/or secondary authentication system [Ogura, paragraph 0006].

Further, Nelson teaches searching database using keywords based on the proposed password and verifying the proposed password as shown in Fig. 3. Ogura teaches calculating the score/rate and comparing the score/rate with the threshold [Fig. 9].

Fallman teaches: performing an Internet search using a query containing one or more keyword derived from the input entered by the user (said details of said proposed password as disclosed by Ogura and Nelson), wherein said Internet search searches contents of the Internet across a plurality of web sites using a search engine tool [Fig. 1, paragraph 0073, 0074, well-known search engine/technique, please refer US 2002/0055919 – Google, Alta-Vista - Fig. 1, US 2004/0044657 – Yahoo – paragraph 0007].

Therefore, it would have been obvious to a person of ordinary skill in the art at the time the invention was made to combine Fallman with Nelson and Ogura to utilize an Internet search for the keywords entered by the user, since one would have been motivated to check the string/keyword against the Internet database to cover all occurring words that allow evaluation of the keyword/string [Fallman, paragraph 0007-0015].

Fallman teaches performing the Internet search for the keywords entered by the user and evaluating the result of the search [paragraph 0014, 0015]. Fallman doesn't expressively mention based on the predefined threshold.

Eitel teaches: evaluating results of said search relative to one or more predefined thresholds applicable to said at least one selected topic (input); rejecting said result if one or more said predefined thresholds are exceeded by said results [Fig. 3, col. 6 lines 46-60].

Therefore, it would have been obvious to a person of ordinary skill in the art at the time the invention was made to combine Eitel with Nelson, Ogura and Fallman to evaluate the search result based on the threshold, since one would have been motivated to elicit better/closer result from evaluation [Eitel, col. 5 lines 60-67].

As per claim 8, the rejection of claim 1 is incorporated and Ogura teaches said one or more personal details are related to a personal fact from a past of said user [Fig. 5, 9].

As per claims 13 and 25, they encompass limitations that are similar to limitations of claim 1. Thus, they are rejected with the same rationale applied against claim 1 above.

As per claim 20, the rejection of claim 13 is incorporated and it encompasses limitations that are similar to limitations of claim 8. Thus, it is rejected with the same rationale applied against claim 8 above.

2.   Claims 2, 7, 11, 14. 19 and 23 are rejected under 35 U.S.C. 103(a) as being unpatentable over Nelson et al (US Patent No. 7,062,655) in view of Ogura et al (US Pub. No. 2004/0078603) in view of Fallman (US Pub. No. 2004/0107406) in view of Eitel (US Patent No. 7,043,521) and in view of Honarvar et al (US Patent No. 7,231,657).

As per claim 2, the rejection of claim 1 is incorporated and Ogura teaches presenting said user with a plurality of topics; receiving a user selection of at least one topic [Fig. 5, step 520-525]; receiving one or more personal details from said user associated with said at least one selected topic, as a proposed password [Fig. 5, steps 550-555, Fig. 9 step 930].

Honarvar teaches receiving a reminder associated with each of said one or more personal details [Fig. 25].

Therefore, it would have been obvious to a person of ordinary skill in the art at the time the invention was made to combine Honarvar with Nelson, Ogura and Beeferman and Eitel, since one would have been motivated to provide access and service to user by detecting fraud and verifying the identity using dynamically customizable system [Honarvar, col. 1 lines 21-27].

As per claim 7, the rejection of claim 1 is incorporated and Honarvar teaches:
sending said one or more personal details to said user [Fig. 25, 30].
P-Synch teaches one or more personal details to said user as reinforcement of said password [page 1, page 126].

As per claim 11, the rejection of claim 1 is incorporated and Honarvar teaches:
said one or more personal details can be tested during a verification phase using one or more of Boolean, multiple choice, numeric or textual queries [Fig. 26, 30, 31].

As per claim 14, the rejection of claim 13 is incorporated and it encompasses limitations that are similar to limitations of claim 2. Thus, it is rejected with the same rationale applied against claim 2 above.

As per claim 19, the rejection of claim 13 is incorporated and it encompasses limitations that are similar to limitations of claim 7. Thus, it is rejected with the same rationale applied against claim 7 above.

As per claim 23, the rejection of claim 13 is incorporated and it encompasses limitations that are similar to limitations of claim 11. Thus, it is rejected with the same rationale applied against claim 11 above.

3.   Claims 4-6 and 16-18 are rejected under 35 U.S.C. 103(a) as being unpatentable over Nelson et al (US Patent No. 7,062,655) in view of Ogura et al (US Pub. No. 2004/0078603) in view of Fallman (US Pub. No. 2004/0107406) in view of Eitel (US Patent No. 7,043,521) and in view P-Synch Installation and Configuration Guide (May 2002).

As per claim 4, the rejection of claim 1 is incorporated and P-Synch teaches:
correlation rules are based on said at least one topic [page 124-126].
Therefore, it would have been obvious to a person of ordinary skill in the art at the time the invention was made to combine P-Synch

with Nelson, Ogura and Fallman and Eitel, since one would have been motivated to generate strong password [P-Synch, page 2 lines 17-21].

As per claim 5, the rejection of claim 1 is incorporated and P-Synch teaches:
one or more predefined correlation rules ensure that answers to user selected questions cannot be qualitatively correlated with said user [page 124 line 1, page 126].

As per claim 6, the rejection of claim 1 is incorporated and P-Synch teaches:
one or more predefined correlation rules ensure that answers to user selected questions cannot be quantitatively correlated with said user [page 124 line 1, page 126].

As per claim 16, the rejection of claim 13 is incorporated and it encompasses limitations that are similar to limitations of claim 4. Thus, it is rejected with the same rationale applied against claim 4 above.

As per claim 17, the rejection of claim 13 is incorporated and it encompasses limitations that are similar to limitations of claim 5. Thus, it is rejected with the same rationale applied against claim 5 above.

As per claim 18, the rejection of claim 13 is incorporated and it encompasses limitations that are similar to limitations of claim 6. Thus, it is rejected with the same rationale applied against claim 6 above.

4.   Claims 9, 10, 12, 21, 22 and 24 are rejected under 35 U.S.C. 103(a) as being unpatentable over Nelson et al (US Patent No. 7,062,655) in view of Ogura et al (US Pub. No. 2004/0078603) in view of Fallman (US Pub. No. 2004/0107406) and in view of Eitel (US Patent No. 7,043,521) and in view Kanevsky et al (US Patent No. 5,774,525).

As per claim 9, the rejection of claim 1 is incorporated and Ogura teaches receiving the personal detail from the user [Fig. 9]. Kanevsky teaches said one or more personal details are related to an experience of said user in connection with a public event [col. 3 lines 31-45].
Therefore, it would have been obvious to a person of ordinary skill in the art at the time the invention was made to combine Kanevsky with Nelson, Ogura and Fallman and Eitel, since one would have been motivated to provide dynamic questioning to provide secure access control [Kanevsky, col. 2 lines 7-8].

As per claim 10, the rejection of claim 1 is incorporated and Kanevsky teaches said one or more personal details are related to an experience of said user in connection with a private event [col. 3 lines 31-45].

As per claim 12, the rejection of claim 1 is incorporated and Kanevsky teaches at least one topic is selected based on psychological insights [col. 5 lines 60-65].

As per claim 21, the rejection of claim 13 is incorporated and it encompasses limitations that are similar to limitations of claim 9. Thus, it is rejected with the same rationale applied against claim 9 above.

As per claim 22, the rejection of claim 13 is incorporated and it encompasses limitations that are similar to limitations of claim 10. Thus, it is rejected with the same rationale applied against claim 10 above.

As per claim 24, the rejection of claim 13 is incorporated and it encompasses limitations that are similar to limitations of claim 12. Thus, it is rejected with the same rationale applied against claim 12 above.

(10) Response to Argument

Ground 1: Double Patenting Rejection of Claims 1, 2, 4-14, 16-25
A terminal disclaimer has been filed on Dec. 16, 2009. The terminal disclaimer is approved by the office. Therefore, the provisional double patenting rejection is withdrawn.

/Nirav Patel /
Examiner, Art Unit 2435